

Inventory Challenges and Appeals

Under Section 3 of the FAIR Act, FCA's decision to include or exclude a particular activity on or from the Commercial Activities Inventory is subject to administrative challenge and appeal by "interested parties." Section 3(b) of the FAIR Act defines an "interested party" as:

1. A private sector source that (a) is an actual or prospective offeror for any contract, or other form of agreement, to perform the activity; and (b) has a direct economic interest in performing the activity that would be adversely affected by a determination not to procure the performance of the activity from a private sector source.
2. A representative of any business or professional association that includes within its membership private sector sources referred to in "1" above.
3. An officer or employee of an organization within an executive agency that is an actual or prospective offeror to perform the activity.
4. The head of any labor organization referred to in section 7103(a)(4) of title 5, United States Code, that includes within its membership officers or employees of an organization referred to in "3" above.

Challenge to the Inventory

Challenges should be submitted to the official below in writing by mail, fax, or e-mail. The challenge must be made within 30 calendar days after publication of the notice of public availability in the *Federal Register*. The challenge should identify the organization, location(s) and describe the commercial activity codes, the reason codes, or activities not included on the inventory and the basis for the challenge in as much detail as possible. Challenges will be acknowledged within 5 business days of receipt. A response explaining the decision and supporting references will be provided to the challenger within 28 calendar days of receipt. The challenger will be notified with the response of the right to appeal within 10 business days of the decision and instructions for filing an appeal.

Submit the Challenge To:

Philip J. Shebest,
Chief Administrative Officer
Farm Credit Administration
1501 Farm Credit Drive
McLean, VA 22102-5090
Phone: 703-883-4135 (voice); 703-883-4444 (TTY)
Fax: 703-893-2608
Electronic Mail: ShebestP@FCA.gov

Appeals of a Challenge

Appeals must be submitted in writing by mail, fax, or e-mail directly to the Inspector General within 10 business days of receiving an agency decision. The appeal should identify the organization, location(s) and describe the commercial activity codes, the reason codes, or activities not included on the inventory and the basis for the appeal of the agency's response. A response from the Chief Executive Officer, with a discussion of the rationale for the decision, will be provided within 10 business days of receipt of the appeal.

Submit the Appeal To:

Stephen G. Smith, Inspector General
Farm Credit Administration
1501 Farm Credit Drive
McLean, VA 22102-5090
Phone: 703-883-4030 (voice & TTY)
Fax: 703-883-4059
Electronic mail: SmithS@FCA.gov